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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 JOSHUA JAMES ISLER,

11 Petitioner,

12 v.

13 ELDON VAIL,

14 Respondent.

Case No. C10-1056-MJP-JPD

REPORT AND  
RECOMMENDATION

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16 Petitioner has failed to respond to three orders: **(1)** an order to provide quarterly status  
17 reports during the pendency of the stay (Dkt. 14); **(2)** an order to show cause why the stay of  
18 his 28 U.S.C. § 2254 habeas petition should not be lifted (Dkt. 20); and **(3)** an order to file a  
19 concise statement of the grounds in his amended habeas petition (Dkt. 24). Although petitioner  
20 never informed the Court of a new address, the Court *sua sponte* resent the relevant documents  
21 to petitioner at his penal institution and extended the time for him to file a concise statement to  
22 **May 25, 2012.** (Dkt. 25.) To date, petitioner has declined to respond. It is therefore clear that  
23 petitioner has abandoned his habeas petition and has declined to comply with court orders.

24 The Court recommends **DISMISSING** this matter without prejudice for failure to  
25 prosecute and for failure to comply with court orders. Alternatively, the habeas petition may  
26 be dismissed without prejudice for failure to state a claim upon which relief may be granted.

1 In full and without further explication, petitioner's two grounds for relief are: (1) "I have a  
2 letter that was written by a girl who testified that she said she did not know why she sided with  
3 the 'victim,'" and (2) "ineffective assistance of counsel." (Dkt. 8, at 5, 7.) In ground 1,  
4 petitioner does not state the identity of the declarant, the importance of the declarant's  
5 testimony, how any statements made under oath were false or misleading, or the reasons why  
6 the state courts incorrectly rejected this issue at trial and on appeal. In ground 2, petitioner  
7 does not specify how counsel was ineffective. Neither ground, therefore, suggests that the  
8 state-court adjudication was contrary to, or an unreasonable application of, established federal  
9 law, or was an unreasonable determination of the facts in light of the evidence presented. *See*  
10 28 U.S.C. § 2254(d)(1)–(2). The Court also recommends **DENYING** issuance of a certificate  
11 of appealability.

12 DATED this 1st day of June, 2012.

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14 JAMES P. DONOHUE  
15 United States Magistrate Judge  
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